

Preface to the Philosophy of Right

THE immediate occasion for publishing these outlines is the need of placing in the hands of my hearers a guide to my professional lectures upon the Philosophy of Right. Hitherto I have used as lectures that portion of the *Encyclopaedia of the Philosophic Sciences* (1817) which deals with this subject. The present work covers the same ground in a more detailed and systematic way.

But now that these outlines are to be printed and given to the general public, there is an opportunity of explaining points which in lecturing would be commented on orally. Thus the notes are enlarged in order to include cognate or conflicting ideas, further consequences of the theory advocated, and the like. These expanded notes will, it is hoped, throw light upon the more abstract substance of the text, and present a more complete view of some of the ideas current in our own time. Moreover, there is also subjoined, as far as was compatible with the purpose of a compendium, a number of notes, ranging over a still greater latitude. A compendium proper, like a science, has its subject-matter accurately laid out. With the exception, possibly, of one or two slight additions, its chief task is to arrange the essential phases of its material. This material is regarded as fixed and known, just as the form is assumed to be governed by well-ascertained rules. A treatise in philosophy is usually not expected to be constructed on such a pattern, perhaps because people suppose that a philosophical product is a Penelope's web which must be started anew every day.

This treatise differs from the ordinary compendium mainly in its method of procedure. It must be understood at the outset that the philosophic way of advancing from one matter to another, the general speculative method, which is the only kind of scientific proof available in philosophy, is essentially different from every other. Only a clear insight into the necessity for this difference can snatch philosophy out of the ignominious condition into which it has fallen in our day. True, the logical rules, such as those of definition, classification, and inference are now generally recognised to be inadequate for speculative science. Perhaps it is nearer the mark to say that the inadequacy of the rules has been felt rather than recognised, because they have been counted as mere fetters, and thrown aside to make room for free speech from the heart, fancy and random intuition. But when reflection and relations of thought were required, people unconsciously fell back

upon the old-fashioned method of inference and formal reasoning. In my *Science of Logic* I have developed the nature of speculative science in detail. Hence in this treatise an explanation of method will be added only here and there. In a work which is concrete, and presents such a diversity of phases, we may safely neglect to display at every turn the logical process, and may take for granted an acquaintance with the scientific procedure. Besides, it may readily be observed that the work as a whole, and also the construction of the parts, rest upon the logical spirit. From this standpoint, especially, is it that I would like this treatise to be understood and judged. In such a work as this we are dealing with a science, and in a science the matter must not be separated from the form.

Some, who are thought to be taking a profound view, are heard to say that everything turns upon the subject-matter, and that the form may be ignored. The business of any writer, and especially of the philosopher, is, as they say, to discover, utter, and diffuse truth and adequate conceptions. In actual practice this business usually consists in warming up and distributing on all sides the same old cabbage. Perhaps the result of this operation may be to fashion and arouse the feelings; though even this small merit may be regarded as superfluous, for "they have Moses and the prophets: let them hear them." Indeed, we have great cause to be amazed at the pretentious tone of those who take this view. They seem to suppose that up till now the dissemination of truth throughout the world has been feeble. They think that the warmed-up cabbage contains new truths, especially to be laid to heart at the present time. And yet we see that what is on one side announced as true, is driven out and swept away by the same kind of worn-out truth. Out of this hurly-burly of opinions, that which is neither new nor old, but permanent, cannot be rescued and preserved except by science.

Further, as to rights, ethical life, and the state, the truth is as old as that in which it is openly displayed and recognised, namely, the law, morality, and religion. But as the thinking spirit is not satisfied with possessing the truth in this simple way, it must conceive it, and thus acquire a rational form for a content which is already rational implicitly. In this way the substance is justified before the bar of free thought. Free thought cannot be satisfied with what is given to it, whether by the external positive authority of the state or human agreement, or by the authority of internal feelings, the heart, and the witness of the spirit, which coincides unquestioningly with the heart. It is the nature of free thought rather to proceed out of its own self, and hence to demand that it should know itself as thoroughly one with truth.

The ingenuous mind adheres with simple conviction to the truth which is publicly acknowledged. On this foundation it builds its conduct and way of life. In opposition to this naive view of things rises the supposed difficulty of detecting amidst the

endless differences of opinion anything of universal application. This trouble may easily be supposed to spring from a spirit of earnest inquiry. But in point of fact those who pride themselves upon the existence of this obstacle are in the plight of him who cannot see the woods for the trees. The confusion is all of their own making. Nay, more: this confusion is an indication that they are in fact not seeking for what is universally valid in right and the ethical order. If they were at pains to find that out, and refused to busy themselves with empty opinion and minute detail, they would adhere to and act in accordance with substantive right, namely the commands of the state and the claims of society. But a further difficulty lies in the fact that man thinks, and seeks freedom and a basis for conduct in thought. Divine as his right to act in this way is, it becomes a wrong, when it takes the place of thinking. Thought then regards itself as free only when it is conscious of being at variance with what is generally recognised, and of setting itself up as something original.

The idea that freedom of thought and mind is indicated only by deviation from, or even hostility to what is everywhere recognised, is most persistent with regard to the state. The essential task of a philosophy of the state would thus seem to be the discovery and publication of a new and original theory.

When we examine this idea and the way it is applied, we are almost led to think that no state or constitution has ever existed, or now exists. We are tempted to suppose that we must now begin and keep on beginning afresh for ever. We are to fancy that the founding of the social order has depended upon present devices and discoveries. As to nature, philosophy, it is admitted, has to understand it as it is. The philosophers' stone must be concealed somewhere, we say, in nature itself, as nature is in itself rational. Knowledge must, therefore, examine, apprehend and conceive the reason actually present in nature. Not with the superficial shapes and accidents of nature, but with its eternal harmony, that is to say, its inherent law and essence, knowledge has to cope. But the ethical world or the state, which is in fact reason potently and permanently actualised in self-consciousness, is not permitted to enjoy the happiness of being reason at all.

Footnote: There are two kinds of laws, laws of nature and laws of right. The laws of nature are simply there, and are valid as they are. They cannot be gainsaid, although in certain cases they may be transgressed. In order to know laws of nature, we must get to work to ascertain them, for they are true, and only our ideas of them can be false. Of these laws the measure is outside of us. Our knowledge adds nothing to them, and does not further their operation. Only our knowledge of them expands. The knowledge of right is partly of the same nature and partly different. The laws of right also are simply there, and we have to become acquainted with them. In this way the citizen has a more or less firm hold of them as they are given to him, and the jurist also abides by the same standpoint. But there is also a distinction. In connection with the laws of right the spirit of investigation is stirred

up, and our attention is turned to the fact that the laws, because they are different, are not absolute. Laws of right are established and handed down by men. The inner voice must necessarily collide or agree with them. Man cannot be limited to what is presented to him, but maintains that he has the standard of right within himself. He may be subject to the necessity and force of external authority, but not in the same way as he is to the necessity of nature; for always his inner being says to him how a thing ought to be, and within himself he finds the confirmation or lack of confirmation of what is generally accepted. In nature the highest truth is that a law is. In right a thing is not valid because it is, since every one demands that it shall conform to his standard. Hence arises a possible conflict between what is and what ought to be, between absolute unchanging right and the arbitrary decision of what ought to be right. Such division and strife occur only on the soil of the spirit. Thus the unique privilege of the spirit would appear to lead to discontent and unhappiness, and frequently we are directed to nature in contrast with the fluctuations of life. But it is exactly in the opposition arising between absolute right, and that which the arbitrary will seeks to make right, that the need lies of knowing thoroughly what right is. Men must openly meet and face their reason, and consider the rationality of right. This is the subject-matter of our science in contrast with jurisprudence, which often has to do merely with contradictions. Moreover the world of today has an imperative need to make this investigation. In ancient times, respect and reverence for the law were universal. But now the fashion of the time has taken another turn, and thought confronts everything which has been approved. Theories now set themselves in opposition to reality, and make as though they were absolutely true and necessary. And there is now more pressing need to know and conceive the thoughts upon right. Since thought has exalted itself -is the essential form, we must now be careful to apprehend right also as thought. It would look as though the door were thrown open for every casual opinion, when thought is thus made to supervene upon right. But true thought of a thing is not an opinion, but the conception of the thing itself. The conception of the thing does not come to us by nature. Every man has fingers, and may have brush and colours, but he is not by reason of that a painter. So is it with thought. The thought of right is not a thing which every man has at first hand. True thinking is thorough acquaintance with the object. Hence our knowledge must be scientific.

On the contrary, the spiritual universe is looked upon as abandoned by God, and given over as a prey to accident and chance. As in this way the divine is eliminated from the ethical world, truth must be sought outside of it. And since at the same time reason should and does belong to the ethical world, truth, being divorced from reason, is reduced to a mere speculation. Thus seems to arise the necessity and duty of every thinker to pursue a career of his own. Not that he needs to seek for the philosophers' stone, since the philosophising of our day has saved him the trouble, and every would-be thinker is convinced that he possesses the stone already without search. But these erratic pretensions are, as it indeed happens, ridiculed by all who, whether they are aware of it or not, are conditioned in their lives by the state, and -find their minds and wills satisfied in it. These, who include the majority if not all, regard the occupation of philosophers as a game, sometimes playful, sometimes earnest, sometimes entertaining, sometimes dangerous, but always as a mere game. Both this restless and frivolous reflection and also this

treatment accorded to it might safely be left to take their own course, were it not that betwixt them philosophy is brought into discredit and contempt. The most cruel despite is done when every one is convinced of his ability to pass judgment upon, and discard philosophy without any special study. No such scorn is heaped upon any other art or science.

In point of fact the pretentious utterances of recent philosophy regarding the state have been enough to justify anyone who cared to meddle with the question, in the conviction that he could prove himself a philosopher by weaving a philosophy out of his own brain. Notwithstanding this conviction, that which passes for philosophy has openly announced that truth cannot be known. The truth with regard to ethical ideals, the state, the government and the constitution ascends, so it declares, out of each man's heart, feeling and enthusiasm. Such declarations have been poured especially into the eager ears of the young. The words "God giveth truth to his chosen in sleep" have been applied to science ; hence every sleeper has numbered himself amongst the chosen. But what he deals with in sleep is only the wares of sleep. Mr. Fries, one of the leaders of this shallow-minded host of philosophers, on a public festive occasion, now become celebrated, has not hesitated to give utterance to the following, notion of the state and constitution: "When a nation is ruled by a common spirit, then from below, out of the people, will come life sufficient for the discharge of all public business. Living associations, united indissolubly by the holy bond of friendship, will devote themselves to every side of national service, and every means for educating the people." This is the last degree of shallowness, because in it science is looked upon as developing, not out of thought or conception, but out of direct perception and random fancy. Now the organic connection of the manifold branches of the social system is the architectonic of the state's rationality, and in this supreme science of state architecture the strength of the whole, is made to depend upon the harmony of all the clearly marked phases of public life, and the stability of every pillar, arch, and buttress of the social edifice. And yet the shallow doctrine, of which we have spoken permits this elaborate structure to melt and lose itself in the brew and stew of the "heart, friendship, and inspiration." Epicurus, it is said, believed that the world generally should be given over to each individual's opinions and whims and according to the view we are criticising, the ethical fabric should be treated in the same way. By this old wives' decoction, which consists in founding upon the feelings what has been for many centuries the labour of reason and understanding, we no longer need the guidance of any ruling conception of thought. On this point Goethe's *Mephistopheles*, and the poet is a good authority, has a remark, which I have already used elsewhere:

"Verachte nur Verstand und Wissenschaft,
des Menschen allerhöchste Gaben -

So hast dem Teufel dich ergeben
und musst zu Grunde gehn.”

It is no surprise that the view just criticised should appear in the form of piety. Where, indeed, has this whirlwind of impulse not sought to justify itself? In godliness and the Bible it has imagined itself able to find authority for despising order and law. And, in fact, it is piety of the sort which has reduced the whole organised system of truth to elementary intuition and feeling. But piety of the right kind leaves this obscure region, and comes out into the daylight, where the idea unfolds and reveals itself. Out of its sanctuary it brings a reverence for the law and truth which are absolute and exalted above all subjective feeling.

The particular kind of evil consciousness developed by the wishy-washy eloquence already alluded to, may be detected in the following way. It is most unspiritual, when it speaks most of the spirit. It is the most dead and leathern, when it talks of the scope of life. When it is exhibiting the greatest self-seeking and vanity it has most on its tongue the words “people” and “nation.” But its peculiar mark, found on its very forehead, is its hatred of law.

Right and ethical principle, the actual world of right and ethical life are apprehended in thought, and by thought are given definite, general, and rational form, and this reasoned right finds expression in law. But feeling, which seeks its own pleasure, and conscience, which finds right in private conviction, regard the law as their most bitter foe. The right, which takes the shape of law and duty, is by feeling looked upon as a shackle or dead cold letter. In this law it does not recognise itself and does not find itself free. Yet the law is the reason of the object, and refuses to feeling the privilege of warming itself at its private hearth. Hence the law, as we shall occasionally observe, is the Shibboleth, by means of which are detected the false brethren and friends of the so-called people.

Inasmuch as the purest charlatanism has won the name of philosophy, and has succeeded in convincing the public that its practices are philosophy, it has now become almost a disgrace to speak in a philosophic way about the state. Nor can it be taken ill, if honest men become impatient, when the subject is broached. Still less is it a surprise that the government has at last turned its attention to this false philosophising.

With us philosophy is not practised as a private art, as it was by the Greeks, but has a public place, and should therefore be employed only in the service of the state. The government has, up till now, shown such confidence in the scholars in this department as to leave the subject matter of philosophy wholly in their hands. Here and there, perhaps, has been shown to this science not confidence - so much as

indifference, and professorships have been retained as a matter of tradition. In France, as far as I am aware, the professional teaching of metaphysics at least has fallen into desuetude. In any case the confidence of the state has been ill required by the teachers of this subject. Or, if we prefer to see in the state not confidence, but indifference, the decay of fundamental knowledge must be looked upon as a severe penance. Indeed, shallowness is to all appearance most enduring and most in harmony with the maintenance of order and peace, when it does not touch or hint at any real issue.

Hence it would not be necessary to bring it under public control, if the state did not require deeper teaching and insight, and expect science to satisfy the need. Yet this shallowness, notwithstanding its seeming innocence, does bear upon social life, right and duty generally, advancing principles which are the very essence of superficiality. These, as we have learned so decidedly from Plato, are the principles of the Sophists, according to which the basis of right is subjective aims and opinions, subjective feeling and private conviction. The result of such principles is quite as much the destruction of the ethical system, of the upright conscience, of love and right, in private persons, as of public order and the institutions of the state. The significance of these facts for the authorities will not be obscured by the claim that the bolder of these perilous doctrines should be trusted, or by the immunity of office.

The authorities will not be deterred by the demand that they should protect and give free play to a theory which strikes at the substantial basis of conduct, namely, universal principles, and that they should disregard insolence on the ground of its being the exercise of the teacher's function. *To him, to whom God gives office, He gives also understanding* is a well-worn jest, which no one in our time would like to take seriously.

In the methods of teaching philosophy, which have under the circumstances been reanimated by the government, the important element of protection and support cannot be ignored. The study of philosophy is in many ways in need of such assistance. Frequently in scientific, religious, and other works may be read a contempt for philosophy. Some, who have no conspicuous education and are total strangers to philosophy, treat it as a cast-off garment. They even rail against it, and regard as foolishness and sinful presumption its efforts to conceive of God and physical and spiritual nature. They scout its endeavour to know the truth. Reason, and again reason, and reason in endless iteration is by them accused, despised, condemned. Free expression, also, is given by a large number of those, who are supposed to be cultivating scientific research, to their annoyance at the unassailable claims of the conception. When we, I say, are confronted with such phenomena as these, we are tempted to harbour the thought that old traditions of

tolerance have fallen out of use, and no longer assure to philosophy a place and public recognition.

Footnote: The same finds expression in a letter of Joh. v. Müller (Works, Part VIII., p. 56), who, speaking of the condition of Rome in the year 1803, when the city was under French rule, writes, "A professor, asked how the public academies were doing, answered, 'On les tolère comme les bordels!'" Similarly the so-called theory of reason or logic we may still hear commended, perhaps under the belief that it is too dry and unfruitful a science to claim any one's attention, or, if it be pursued here and there, that its formulae are without content, and, though not of much good, can be of no great harm. Hence the recommendation, so it is thought, if useless, can do no injury.

These presumptuous utterances, which are in vogue in our time, are, strange to say, in a measure justified by the shallowness of the current philosophy. Yet, on the other hand, they have sprung from the same root as that against which they so thanklessly direct their attacks. Since that self-named philosophising has declared that to know the truth is vain, it has reduced all matter of thought to the same level, resembling in this way the despotism of the Roman Empire, which equalised noble and slave, virtue and vice, honour and dishonour, knowledge and ignorance. In such a view the conceptions of truth and the laws of ethical life are simply opinions and subjective convictions, and the most criminal principles, provided only that they are convictions, are put on a level with these laws. Thus, too, any paltry special object, be it never so flimsy, is given the same value as an interest common to all thinking men and the bonds of the established social world.

Hence it is for science a piece of good fortune that that kind of philosophising, which might, like scholasticism, have continued to spin its notions within itself, has been brought into contact with reality. Indeed, such contact was, as we have said, inevitable. The real world is in earnest with the principles of right and duty, and in the full light of a consciousness of these principles it lives. With this world of reality philosophic cob-web spinning has come into open rupture. Now, as to genuine philosophy it is precisely its attitude to reality which has been misapprehended. Philosophy is, as I have already observed, an inquisition into the rational, and therefore the apprehension of the real and present. Hence it cannot be the exposition of a world beyond, which is merely a castle in the air, having no existence except in the terror of a one-sided and empty formalism of thought. In the following treatise I have remarked that even Plato's *Republic*, now regarded as the bye-word for an empty ideal, has grasped the essential nature of the ethical life of the Greeks. He knew that there was breaking in upon Greek life a deeper principle, which could directly manifest itself only as an unsatisfied longing and therefore as ruin. Moved by the same longing Plato had to seek help against it, but had to conceive of the help as coming down from above, and hoped at last to have found it in an external special form of Greek ethical life. He exhausted himself in

contriving, how by means of this new society to stem the tide of ruin, but succeeded only in injuring more fatally its deeper motive, the free infinite personality. Yet he has proved himself to be a great mind because the very principle and central distinguishing feature of his idea is the pivot upon which the world-wide revolution then in process turned:

What is rational is real;
And what is real is rational.

Upon this conviction stand not philosophy only but even every unsophisticated consciousness. From it also proceeds the view now under contemplation that the spiritual universe is the natural. When reflection, feeling or whatever other form the subjective consciousness may assume, regards the present as vanity, and thinks itself to be beyond it and wiser, it finds itself in emptiness, and, as it has actuality only in the present, it is vanity throughout. Against the doctrine that the idea is a mere idea, figment or opinion, philosophy preserves the more profound view that nothing is real except the idea. Hence arises the effort to recognise in the temporal and transient the substance, which is immanent, and the eternal, which is present. The rational is synonymous with the idea, because in realising itself it passes into external existence. It thus appears in an endless wealth of forms, figures and phenomena. It wraps its kernel round with a robe of many colours, in which consciousness finds itself at home.

Through this varied husk the conception first of all penetrates, in order to touch the pulse, and then feel it throbbing in its external manifestations. To bring to order the endlessly varied relations, which constitute the outer appearance of the rational essence is not the task of philosophy. Such material is not suitable for it, and it can well abstain from giving good advice about these things. Plato could refrain from recommending to the nurses not to stand still with children, but always to dandle them in their arms. So could Fichte forbear to construe, as they say, the supervision of passports to such a point as to demand of all suspects that not only a description of them but also their photograph, should be inserted in the pass. Philosophy now exhibits no trace of such details. These superfine concerns it may neglect all the more safely, since it shows itself of the most liberal spirit in its attitude towards the endless mass of objects and circumstances. By such a course science will escape the hate which is visited upon a multitude of circumstances and institutions by the vanity of a better knowledge. In this hate bitterness of mind finds the greatest pleasure, as it can in no other way attain to a feeling of self-esteem.

This treatise, in so far as it contains a political science, is nothing more than an attempt to conceive of and present the state as in itself rational. As a philosophic writing, it must be on its guard against constructing a state as it *ought to be*.

Philosophy cannot teach the state what it *should* be, but only how it, the ethical universe, is to be *known*.

Ιδου Ποδος, ιδου και το πιδιμα
Hic Rhodus, hic saltus.

To apprehend what *is* is the task of philosophy, because what *is* is reason. As for the individual, every one is a son of his time; so philosophy also is its time apprehended in thoughts. It is just as foolish to fancy that any philosophy can transcend its present world, as that an individual could leap out of his time or jump over Rhodes. If a theory transgresses its time, and builds up a world as it ought to be, it has an existence merely in the unstable element of opinion, which gives room to every wandering fancy.

With little change the above, saying would read:

Here is the rose, here dance

The, barrier which stands between reason, as self-conscious Spirit, and reason as present reality, and does not permit spirit to find satisfaction in reality, is some abstraction, which is not free to be conceived. To recognise reason as the rose in the cross of the present, and to find delight in it, is a rational insight which implies reconciliation with reality. This reconciliation philosophy grants to those who have felt the inward demand to conceive clearly, to preserve subjective freedom while present in substantive reality, and yet thought possessing this freedom to stand not upon the particular and contingent, but upon what is and self-completed.

This also is the more concrete meaning of what was a moment ago more abstractly called the unity of form and content. Form in its most concrete significance is reason, as an intellectual apprehension which conceives its object. Content, again, is reason as the substantive essence of social order and nature. The conscious identity of form and content is the philosophical idea.

It is a self-assertion, which does honour to man, to recognise nothing in sentiment which is not justified by thought. This self-will is a feature of modern times, being indeed the peculiar principle of Protestantism. What was initiated by Luther as faith in feeling and the witness of the spirit, the more mature mind strives to apprehend in conception. In that way it seeks to free itself in the present, and so find there itself. It is a celebrated saying that a half philosophy leads away from God, while a true philosophy leads to God. (It is the same halfness, I may say in passing which regards knowledge as an approximation to truth.) This saying is applicable to the science of the state. Reason cannot content itself with a mere approximation,

something which is neither cold nor hot, and must be spewed out of the mouth. As little can it be contented with the cold scepticism that in this world of time things go badly, or at best only moderately well, and that we must keep the peace with reality, merely because there is nothing better to be had. Knowledge creates a much more vital peace.

Only one word more concerning the desire to teach the world what it ought to be. For such a purpose philosophy at least always comes too late. Philosophy, as the thought of the world, does not appear until reality has completed its formative process, and made itself ready. History thus corroborates the teaching of the conception that only in the maturity of reality does the ideal appear as counterpart to the real, apprehends the real world in its substance, and shapes it into an intellectual kingdom. When philosophy paints its grey in grey, one form of life has become old, and by means of grey it cannot be rejuvenated, but only known. The owl of Minerva, takes its flight only when the shades of night are gathering.

But it is time to close this preface. As a preface it is its place to speak only externally and subjectively of the standpoint of the work which it introduces. A philosophical account of the essential content needs a scientific and objective treatment. So, too, criticisms, other than those which proceed from such a treatment, must be viewed by the author as unreflective convictions. Such subjective criticisms must be for him a matter of indifference.

Course: Hegel

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